

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JOHNNY LEWIS WASHINGTON,

PETITIONER

v.

CIVIL ACTION NO.: 1:14CV116-GHD-DAS

**ERNEST LEE and ATTORNEY GENERAL
OF THE STATE OF MISSISSIPPI,**

RESPONDENTS

CERTIFICATE OF APPEALABILITY

A final order has been entered in this habeas corpus proceeding in which the detention complained of arises out of process issued by a state court under 28 U.S.C. § 2254. Pursuant to Rule 11 of the Rules Governing § 2254 Cases the Court, considering the record in the case and the requirements of Fed. R. Civ. P. 22(b) and 28 U.S.C. § 2253(c), finds that:

PART A

☐ The applicant has made a substantial showing of the denial of a constitutional right.

SPECIFIC ISSUE(S):

☒ **A certificate of appealability should not issue.**

REASONS FOR DENIAL:

For the reasons stated in the opinion, the Court finds that the Petitioner has failed to “demonstrate that the issues are debatable among jurists of reason; that a court could resolve issues in a different manner; or that the questions are adequate to deserve encouragement to proceed further.” *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1993) (superceded by statute) (citations and quotations omitted); 28 U.S.C. § 2253(c)(1) and (2). Specifically, the Court finds,

for the reasons set forth in its October 29th, 2014, memorandum opinion and final judgment, that Petitioner has failed to make a substantial showing of the denial of a constitutional right, and the instant motion should be denied.


PART B (if applicable)

- ☐ The party appealing is entitled to proceed *in forma pauperis*.
- ☒ **The party appealing is not entitled to proceed *in forma pauperis*.**

REASONS FOR DENIAL:

The Court finds that the Petitioner's appeal is not taken in good faith because it is frivolous and has no possibility of success. *See* Fed. R. App. P. 24.

SO ORDERED, this, the 29th day of October, 2014.



SENIOR U.S. DISTRICT JUDGE